

## United States District Court

Clerk  
District Court

District of the Northern Mariana Islands

SEP 18 2006

UNITED STATES OF AMERICA, )  
Plaintiff, )

AMENDED

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

## NOTICE OF APPEAL

-v-

D.C. DOCKET NUMBER: 05-00004

FERMINA ATALIG

JUDGE ALEX R. MUNSON

Defendant, )

(District Court Judge)

Notice is hereby given that FERMINA ATALIG appeals to the  
United States Court of Appeals for the Ninth Circuit from the:

☐ Conviction only (Fed. R. Crim P. 32(b))☒ Conviction and sentence☐ Sentence only (18 U.S.C. Sec. 3742)☒ Order (specify) \_\_\_\_\_

AMENDED JUDGMENT entered on this action on 09/06/06  
(date)

Sentence imposed: 24 MONTHS CURRENTLY ON 8 COUNTSBail status: ATALIG IS ON PENDING APPEAL
  
G. ANTHONY LONG

(Counsel for Appellant)

Date: 09/18/06Address: P.O. BOX 504970  
SAIPAN, MP 96950Phone number: (670) 235-4802Fax number: (670) 235-4801Name of Court Reporter: SANAE N. SHMULLTranscript required: Yes ☒ No ☐

If "Yes", date ordered or to be ordered 08/25/06 (including  
arrangements for payment with court reporter)

[If transcript required, complete Transcript Order Form CA9-036, contact court reporter immediately  
to make arrangements for transcription].

[CA9-88-1NOA]

# UNITED STATES DISTRICT COURT

District of NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA

V.

FERMINA ATALIG

## AMENDED JUDGMENT IN A CRIMINAL CASE

FILED  
Clerk

Case Number: CR-05-00004-001

District Court

USM Number: 00485-005

G. ANTHONY LONG, ESQ.

SEP 6 2006

Defendant's Attorney

Date of Original Judgment: 8/10/2006

(Or Date of Last Amended Judgment)

### Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))  
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))  
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))  
☒ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

For The Northern Mariana Islands

- ☐ Modification of Supervision Conditions ~~By U.S.C. 3556(c) or 3559(c)~~  
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))  
☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))  
☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)  
☐ Modification of Restitution Order (18 U.S.C. § 3664)

### THE DEFENDANT:

- ☐ pleaded guilty to count(s) \_\_\_\_\_  
☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.  
☒ was found guilty on count(s) I, II, III, IV, V, VI, VII and VIII  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. §371	Conspiracy to Submit False Claims and to Make False	6/30/2003	1

### Statements

18 U.S.C. §1001	False Statements	6/30/2003	II thru VIII
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The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_  
☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/9/2006

Date of Imposition of Judgment

Signature of Judge

ALEX R. MUNSON

CHIEF JUDGE

Name of Judge

Title of Judge

9/6/2006

Date

DEFENDANT: FERMINA ATALIG  
CASE NUMBER: CR-05-00004-001

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of

24 months on each of Counts 1 through VIII, to be served concurrently.

\* Defendant shall be at liberty under the same conditions of release as previously set by this Court until appeal in this matter is finalized.

☒ The court makes the following recommendations to the Bureau of Prisons:

The defendant shall participate in an Inmate Financial Responsibility Program and any vocational or educational programs approved by the Bureau of Prisons.

☐ The defendant is remanded to the custody of the United States Marshal.

☒ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☒ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: FERMINA ATALIG  
CASE NUMBER: CR-05-00004-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of  
THREE YEARS

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

DEFENDANT: FERMINA ATALIG  
CASE NUMBER: CR-05-00004-001

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not commit another federal, state, or local crime;
2. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. She shall submit to up to eight drug tests a month for use of a controlled substance at the direction of the U.S. Probation Office;
3. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office;
4. The defendant shall comply with the standard conditions of supervised release as adopted by this court;
5. The defendant shall be prohibited from possessing a firearm or other dangerous weapon or have such at her residence;
6. The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without approval of the U.S. Probation Office unless she is in compliance with the payment schedule;
7. The defendant shall provide the U.S. Probation Office access to any requested financial information; and,

The defendant is ordered to pay restitution immediately for each of Counts II to VIII in the Indictment (for a total of \$23,750.00). Restitution payments shall be remitted to the Clerk of Court, District of the northern Mariana Islands, P.O. Box 500687, Saipan, MP 96950, which shall be disbursed to the victim as follows: U.S. Department of Labor, Employment and Training Administration, Attention: Donald Strother, Division of Financial Systems and Services, 200 Constitution Avenue NW, N-4702, Washington, D.C. 20210



DEFENDANT: FERMINA ATALIG  
CASE NUMBER: CR-05-00004-001

Judgment — Page 5 of 6

### CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	<b>\$ 800.00</b>	<b>\$ 5,000.00</b>	<b>\$ 23,750.00</b>

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
U.S. DEPARTMENT OF OR Employment & Training Administration Attention: Donald Strother, Division of Financial Systems and Services, 200 Constitution Avenue NW N-4702, Washington, DC 20210	\$23,750.00	\$23,750.00	100

<b>TOTALS</b>	<b>\$</b>	<b>23,750.00</b>	<b>\$</b>	<b>23,750.00</b>
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: FERMINA ATALIG  
CASE NUMBER: CR-05-00004-001**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Defendant shall set up a payment schedule approved by the United States Probation Office.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.